

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

RAZORBACK CONCRETE
COMPANY

Plaintiff

VS.

DEMENT CONSTRUCTION, LLC

Defendant

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NO: 3:07CV00135 SWW

ORDER

Before the Court is an unopposed motion for an extension of deadlines submitted by Defendant Dement Construction, LLC (“Dement”). Dement reports that the parties have agreed to extend the discovery deadline to September 4, 2009, and the deadline for disclosing expert witnesses to August 1, 2009. As stated in the Court’s final scheduling order, the parties are free to extend the discovery deadline by agreement.

Dement also asks the Court to extend the dispositive motions deadline to September 4, 2009, and it reserves the right to request a continuance of the trial date if necessary. The motion for an extension of deadline for filing dispositive motions (docket entry #59) is GRANTED. The parties have up to and including September 4, 2009 in which to file dispositive motions.

Dement has recently filed numerous deposition notices in this case. *See* docket entries ## 61-65. Under Rule 5(d) of the Federal Rules of Civil Procedure, “disclosures under Rule 26(a)(1) and (2) and the following discovery requests and responses must not be filed until they are used in the proceeding or the court orders filing: depositions, interrogatories, requests for documents or tangible things or to permit entry onto land, and requests for admission.” Fed. R. Civ. P. 5(d). Dement is directed to adhere to Rule 5(d) and to cease filing deposition notices.

IT IS SO ORDERED THIS 21ST DAY OF JULY, 2009.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE